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## ARLINGTON REDEVELOPMENT BOARD

Arlington, Massachusetts  
Middlesex, ss

DOCKET NO. 3704

DECISION  
Special Permit Under  
ENVIRONMENTAL DESIGN REVIEW

Applicant: Spy Pond Development, LLC, 2464 Massachusetts Avenue, Cambridge, MA 02140  
Property Address: 18-20 Belknap Street, Arlington, Massachusetts 02474

Hearing Dates: July 11, 2022  
Date of Decision: July 25, 2022

20 Day Appeal Period Ends: August 29 . 2022

Members

Approved

Stephen A. Remick  
Rachel J. Zembry  
Karen  
M. Tinsley

Opposed

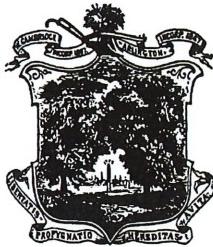
Eugene B. Benson

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Town Clerk's Certification

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Date



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## Arlington Redevelopment Board

730 Massachusetts Avenue, Arlington, Massachusetts 02476

### DECISION OF THE BOARD

**Environmental Design Review Docket #3704  
18-20 Belknap Street, Arlington, MA 02476  
Spy Pond Development, LLC**

**July 25, 2022**

This Decision applies to the application filed on June 16, 2022, by Spy Pond Development, LLC, 2464 Massachusetts Avenue, Cambridge, MA, to renovate and convert an existing building at 18-20 Belknap Street, Arlington, MA to its original nonconforming use as a four-unit residential building within the R2 Two-Family District. The Board reviewed and approved an Environmental Design Review Special Permit for Docket #3704 under Sections 3.3 and 3.4 of the Arlington Zoning Bylaw.

The Owner will renovate and convert the existing building from an illegal six-unit residential building to its original nonconforming use as a four-unit residential building in the R2 Two-Family District, which is the most recent legally nonconforming use of the property. The renovation includes the demolition of the prior accessory garage, rehabilitation of the existing building, the introduction of usable open space to the site, and additions to the front, rear, and third story of the building.

A public hearing was held on July 11, 2022, and continued to July 25, 2022, when the public hearing was closed. A Decision was made on July 25, 2022.

**VOTE:** The ARB voted (4-1) to approve a Special Permit for Docket #3704 on July 25, 2022.

#### **Materials reviewed for this Decision:**

- Application for EDR Special Permit and Impact Statement, dated June 15, 2022;
- Existing and Proposed Site Plans, dated January 24, 2022;
- Floor Plans and Elevations, dated July 28, 2021;
- Existing Conditions Plans, undated circa 2021;
- Memorandum from Town Counsel, Douglas W. Heim, re: Opinion Re: Scope and Limits of ARB Authority, dated August 13, 2020;

- Letter from Don Borenstein re: 18-20 Belknap Street, dated July 11, 2022;
- Floor Plans with Half Story Delineations, dated June 15, 2022;
- Updated site plan, dated July 18, 2022;
- Dimensional forms, undated;
- Updated architectural plans, undated;
- Email Narrative from Applicant, dated July 21, 2022; and
- Written comments and related correspondence as follows from:
  - A. Ellinger, 21 Linwood Street, July 6, 2022
  - C. Loreti, 56 Adams Street, July 6, 2022, and July 21, 2022
  - D. and P. Bermudes, 19 Belknap Street, July 8, 2022, and July 25, 2022
  - D. Seltzer, 104 Irving Street, July 8, 2022, and July 24, 2022

**The following criteria have been met, per Section 3.3.3, Arlington Zoning Bylaw:**

1. While a four-unit residential building is not an allowed use in the R2 Two-Family zoning district, the building was constructed with this use in 1910, before the Town's adoption of the Zoning Bylaw. As such, the use is a legal preexisting nonconforming use. In intervening years, the property was converted to a six-unit residential building without permits, and was maintained as an illegal, non-permitted six-unit structure. With this Decision, the ARB grants a special permit under Section 8.1.2(B) for the Owner to convert the building back to its prior legal preexisting nonconforming use.
2. The requested use is essential and desirable. Although the neighborhood is zoned R2, which generally allows one- and two-family dwellings, two other abutting structures have similar pre-existing nonconforming uses as four-unit buildings, and there exist other multi-family buildings in the immediate neighborhood, which contribute to a diversity of housing options in the Town.
3. The proposed four-unit residential use is the same as the pre-existing, nonconforming use that had been on the site for many years. As such, it will not create any additional traffic or pedestrian safety impacts in the area.
4. The proposed four-unit residential use would replace the six-unit residential use, which has been on the site for many years and has not overloaded any public utilities.
5. No special regulations are applicable to the proposal.
6. The pre-existing nonconforming use has been present in this neighborhood at this building and other adjacent buildings for more than a century, and does not impair the integrity or character of the neighborhood.
7. The proposed use is a reduction in the number of residential units as were provided in the previous use. The use will not be in excess or detrimental to the character of the neighborhood.

The following criteria have been met, per Section 3.4.4, Arlington Zoning Bylaw:

**A. EDR-1 Preservation of Landscape**

The site's prior condition was predominately impervious. The Owner will remove a detached garage from the rear of the site and remove pavement from approximately 1,400 square feet of the rear yard, converting it to usable open space. The amount of landscaped open space will also be increased.

**B. EDR-2 Relation of the Building to the Environment**

The most recent legally nonconforming use on the property was a four-unit residential building. The Owner intends to maintain this density, which is consistent with several other properties in the neighborhood. Although the number of units will decrease, the project includes two additions that will expand the building's footprint, and two shed dormers that will increase the gross floor area of the top floor. The Owner will reduce the size of the addition on the third floor by relocating the HVAC closet and eliminating the short hallway from each master bedroom to the front or rear deck. The Owner will also adjust the slope of the dormer roof to be no less than a 2:12 slope.

In the front yard, the Owner will install a slatted fence no taller than three feet six inches to maintain a visual connection between the property and the neighborhood. A six-foot privacy fence will be installed in the rear and side yards to screen the parking area.

Based on the above modifications, the ARB has determined that the building will not be out of scale or character with the surrounding buildings in the neighborhood.

**C. EDR-3 Open Space**

The development will provide open space on the existing primarily impervious site and will add both usable and landscaped open space in the front and rear yards.

**D. EDR-4 Circulation**

The development includes between four and six parking spaces, which will be provided at the rear of the site. A parking reduction has been granted under Section 6.1.5, and to provide area for the Owner to satisfy the parking buffer requirements under Section 6.1.11(D).

One short-term bicycle parking space will be provided on an inverted U-rack on the front yard of the property. Six long-term bicycle parking spaces will be provided in the basement, with one or two spaces per dwelling unit.

**E. EDR-5 Surface Water Drainage**

The proposal includes a reduction in the impervious surface on site and the addition of landscaped areas. This should improve surface water drainage over existing conditions.

**F. EDR-6 Utilities Service**

Utility access will not change as a result of this project.

**G. EDR-7 Advertising Features**

This is a residential project. There will be no signage or advertising features on the property.

**H. EDR-8 Special Features**

There are no special features proposed as part of this project.

**I. EDR-9 Safety**

The building will contain a full sprinkler system and individual units will be clearly marked. Open spaces will be fenced to maintain residents' privacy.

**J. EDR-10 Heritage**

The building and property are not listed on the *Inventory of Historically or Architecturally Significant Properties in the Town of Arlington*.

**K. EDR-11 Microclimate**

There are no proposed changes that would affect the microclimate.

**L. EDR-12 Sustainable Building and Site Design**

The proposed building will meet the Massachusetts Energy Stretch Code as required for all new buildings.

The Board made the following findings in this Decision:

1. The ARB finds that the project is consistent with Environmental Design Review per Section 3.4 of the Zoning Bylaw, Special Permit criteria per Section 3.3 of the Zoning Bylaw, and the requirements for Nonconforming Uses and Structures per Section 8.1 of the Zoning Bylaw.
2. The ARB finds that the neither the use nor the changes to the building as approved are more detrimental to the neighborhood than the existing nonconforming use and building.

**The project must adhere to the following General Conditions:**

1. Any substantial or material deviation during construction from the approved plans and specifications is subject to the prior written approval of the Arlington Redevelopment Board.
2. The Board maintains continuing jurisdiction over this permit and may, after a duly advertised public hearing, attach other conditions or modify these conditions as it deems appropriate in order to protect the public interest and welfare.

3. Snow removal from all parts of the site, as well as from any abutting public sidewalks, shall be the responsibility of the Owner and shall be accomplished in accordance with Town Bylaws.
4. All exterior trash and storage areas on the property, if any, shall be properly screened and maintained in accordance with the Town Bylaws.

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**The project must adhere to the following Special Conditions:**

1. The Owner shall submit final plans for the building to the Building Inspector, who must confirm that the maximum height of the building does not exceed 35 feet per Section 5.4.2.A of the Zoning Bylaw, and that all third floor uses, their locations, and their ceiling heights are compliant with the State Building Code.
2. The Owner shall reduce the number of parking spaces to no less than four and no more than six. The Owner shall provide a minimum five foot buffer area between the six-foot privacy fence and all parking areas. The revised design of the rear parking lot and parking buffer areas shall be submitted to the Department of Planning and Community Development for review and approval.
3. The Owner shall revise the plans for the third story by eliminating the short hallway and HVAC closet at each of the four corners to reduce the overall massing of the building. Revised plans must be submitted to the Department of Planning and Community Development for review and approval.
4. Specifications for the selected short-term bicycle rack shall be provided to the Department of Planning and Community Development for review and approval.
5. Any fencing in the front yard of the property shall be no higher than three feet six inches and shall have open slats to maximize visibility of the open space for persons passing the site.